

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JOSE MAGDALENO PIMENTAL,

Plaintiff,

vs.

No. CIV 16-0792 JB/SCY

MICHAEL GRANADINO; FNU MONTANO;
FNU BREA; FNU NEZ; BRIAN MAKI, Case Manager;
M. MARQUEZ, Lieutenant; FNU HEREDIA, Sergeant;
FNU SILVA, Officer; PHILLIP DE HERRERA;
MELODY POHL, Captain; CAROL LUCERO, Mail Officer;
FNU DE VARGAS, Lieutenant; and FNU GALLEGOS,
Security Guard,

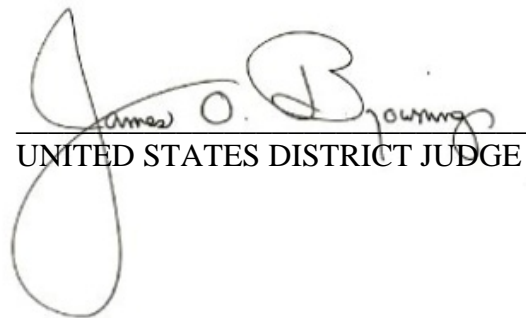
Defendants.

MEMORANDUM OPINION AND ORDER OF DISMISSAL WITHOUT PREJUDICE

THIS MATTER comes before the Court on the Order to Show Cause, filed July 26, 2016 (Doc. 6)(the “Order”). On July 26, 2016, the Honorable Steven C. Yarbrough, United States Magistrate Judge, noted that recent mailings to Plaintiff Jose Magdaleno Pimental had been returned as undelivered, and that Pimental appeared to have been released from custody or transferred without advising the Court of his new address, contrary to D.N.M.LR-Civ. 83 (“All attorneys of record and parties appearing *pro se* have a continuing duty to notify the Clerk, in writing, of any change in their firm name, mailing addresses, telephone numbers, facsimile numbers, or electronic addresses.”). See Order at 1. Judge Yarbrough ordered Pimental, within twenty-one days, to notify the Clerk of the Court in writing of his current address or otherwise show cause why the Court should not dismiss his Prisoner’s Civil Rights Complaint, filed July 6, 2016 (Doc. 1)(“Complaint”). See Order at 1. As of this date, Pimental has not notified the Clerk in writing of his current address, shown cause why the Court should not dismiss his Complaint, or

otherwise responded to Judge Yarbrough's Order. The Court will dismiss his Complaint without prejudice pursuant to rule 41(b) of the Federal Rules of Civil Procedure. See Fed. R. Civ. P. 41(b) (providing for involuntary dismissal if "the plaintiff fails to prosecute, or to comply with these rules or a court order").

IT IS ORDERED that the Plaintiff's Prisoner's Civil Rights Complaint, filed July 6, 2016 (Doc. 1), is dismissed without prejudice, and final judgment will be entered.



James O. Downing
UNITED STATES DISTRICT JUDGE

Parties:

Jose Magdaleno Pimental
Cibola County Detention
Grants, New Mexico

Plaintiff pro se